

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY APRIL 16, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1971**

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**Introduced by Assembly Member Portantino**

February 14, 2008

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An act to amend Section 27454 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1971, as amended, Portantino. Vehicles: studded pneumatic tires.

Existing law prohibits a tire on a vehicle upon a highway from having on its periphery any block, stud, flange, cleat, ridge, bead, or other protuberance of metal or wood that projects beyond the tread of the traction surface of the tire. The prohibition does not apply to pneumatic tires containing specified metal-type studs that are inserted or constructed to meet prescribed conditions during a specified time period each year. Violation of these provisions is a crime.

This bill would, additionally, exempt from the prohibition pneumatic tires with retractable metal-type studs and would allow the use of these pneumatic tires outside the specified time period if their studs are retracted. The bill would prohibit a tire with retractable metal-type studs on a vehicle from being worn to a point at which the studs protrude beyond the tire when retracted. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27454 of the Vehicle Code is amended  
2 to read:

3 27454. A tire on a vehicle upon a highway shall not have on  
4 its periphery any block, stud, flange, cleat, ridge, bead, or any other  
5 protuberance of metal or wood that projects beyond the tread of  
6 the traction surface of the tire.

7 This section does not apply to any of the following:

8 (a) Tire traction devices of reasonable size used to prevent  
9 skidding when upon wet surfaces or when upon snow or ice.

10 (b) Pneumatic tires that have embedded therein wire not to  
11 exceed 0.075 of an inch in diameter and that are constructed so  
12 that under no conditions will the percentage of metal in contact  
13 with the roadway exceed 5 percent of the total tire area in contact  
14 with the roadway, except that during the first 1,000 miles of use  
15 or operation of the tire, the metal in contact with the roadway may  
16 exceed 5 percent of the tire area in contact with the roadway, but  
17 shall in no event exceed 20 percent of the area.

18 (c) Vehicles operated upon unimproved roadways when  
19 necessary in the construction or repair of highways.

20 (d) Traction engines or tractors when operated under the  
21 conditions of a permit first obtained from the Department of  
22 Transportation.

23 (e) (1) Pneumatic tires containing metal-type studs of tungsten  
24 carbide or other suitable material that are inserted or constructed  
25 so that under no condition will the number of studs or the  
26 percentage of metal in contact with the roadway exceed 3 percent  
27 of the total tire area in contact with the roadway, between  
28 November 1 and April 30 of each year. A vehicle may be equipped  
29 year-round with tires that have studs that ~~retracted~~ *retract*  
30 pneumatically or mechanically when not in use, if the studs are  
31 ~~retract~~ *retracted* between May 1 and October 30 of each year. A  
32 tire on a vehicle shall not be worn to a point at which the studs  
33 protrude beyond the tire when retracted.

1 (2) The commissioner, after consultation with the Department  
2 of Transportation, may extend the period during which the studded  
3 pneumatic tires may be used with studs deployed in areas of the  
4 state for the protection of the public because of adverse weather  
5 conditions.

6 (f) Pneumatic tires used on an authorized emergency vehicle,  
7 as defined in Section 165, containing metal-type studs of tungsten  
8 carbide or other suitable material, if the studs are inserted or  
9 constructed so that under no conditions will the number of studs  
10 or the percentage of metal in contact with the roadway exceed 3  
11 percent of the total tire area in contact with the roadway.  
12 Notwithstanding subdivision (e), authorized emergency vehicles  
13 are permitted the unrestricted use of studded pneumatic tires  
14 throughout the year.

15 SEC. 2. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.